

**REMARKS/ARGUMENTS**

This Response is being submitted along with a Request for Continued Examination (RCE) in response to the Office Action dated December 23, 2004. Claims 1-40 are pending, and claims 1 and 21 have been amended. Consequently, claims 1-40 remain pending in the present application.

On March 8, 2005, Attorney for applicant and Examiner Desire, conducted a telephone interview regarding the claimed invention and the cited prior art. Attorney for applicant thanks Examiner Desire for his helpful comments to facilitate allowance of the present application.

In response, independent claims 1 and 40 have been amended to recite “transmitting to said first portable device a message notifying a consumer that prints are ready for pick-up.” Support for the amendment may be found in the Specification, such as on page 5, lines 18-20; and page 6, lines 16-21, for example. Accordingly, no new matter has been entered.

The Examiner rejected claims 1-2, 4-5, 9-10, 12-13, 15, 21-23, 25, 29-30, and 32-35 under 35 USC §103 (a) as being unpatentable over Fredlund et al. (6,631,011) in view of Reece et al. (5,893,037).

Amended claim 1 recites a method relating to photographic film processing that allows a consumer to preview images of developed film sent from a film developer to a wireless device of the consumer that is equipped with a visual display. When the film is developed, a message is sent to the wireless device “notifying the consumer that a print of the image can be ordered or the print is ready for pickup.” The references cited by the Examiner fail to teach or suggest, singularly or in combination, the combination of elements recited in the independent claim 1.

In the Office Action dated December 23, 2004, the Examiner stated that “[i]t is

conceivable to modify Fredlund to include Reelee's system of the transmitting digital data in a telephone network." As discussed in the telephone interview, Applicant does not believe that Reelee can be properly combined with Fredlund because 1) Reelee transmits image data out of a wireless camera, rather than to the wireless device, as claimed; and 2) Reelee transmits the image data "prior to creating a photographic exposure," rather than after the film is exposed by a camera and then developed.

Applicant also believes, however, that even if Fredlund is combined with Reelee, the combination also fails to teach or suggest the combination of elements recited in claims 1 and 21. That is, even if Fredlund's system transferred a digital version of the index print electronically to the user, the purpose of doing so would be to allow the user to *order* selected prints chosen from the index prints (Abstract). Since the user is ordering prints, the prints have not yet been created, and therefore are not ready for pickup. In the present invention, by contrast, both the digital image data created from previously developed film, and a "message in notifying the consumer that a print of the image can be ordered or the print is ready for pickup" are transmitted to the consumer's wireless portable device.

Therefore, the combination of Fredlund and Reelee fail to teach or suggest "developing photographic film to produce a developed film" prior to transmitting any data to a consumer; and would transmit index prints, rather than "digital image data derived from said first digital image." In addition, Fredlund and Reelee fail to teach or suggest "transmitting a message to said first portable device notifying a consumer that a print of the image can be ordered or the print is ready for pick-up," as recited in amended claim 1.

Claim 21 is similar to claim, but recites a photographic service facility that receives digital image data and derives a second digital image data from said first digital image data, and transmits the second digital image data to the portable device. As in claim 1, claim 21

also recites "transmitting a message to said first portable device notifying a consumer that a print of the image can be ordered or the print is ready for pick-up." Therefore, it is believed claim 21 is allowable over the cited references for reasons similar to that of claim 1.

In view of the foregoing, it is submitted that claims 1-40 are allowable over the cited references. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1-40 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date